IDEM

Nonrule Policy Document

Indiana Department of Environmental Management
Office of Land Quality
P.O. Box 6015
Indianapolis, IN 46206-6015
OLQ PH: (317) 232-8941
OLQ FAX: (317) 232-3403

Title: REGULATORY ANALYSIS: "CLOSED" CONTAINERS
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Brief Description of Subject Matter: The Indiana Department of Environmental Management (IDEM) has received numerous questions from hazardous waste generators about the regulatory interpretation of "closed" containers under the Resource Conservation and Recovery Act (RCRA) hazardous waste rules. These rules have been adopted by Indiana at 329 IAC 3.1. Numerous industries utilize containers of various sizes and configurations to manage hazardous waste. Following is and IDEM analysis of the hazardous waste rules pertaining to what is necessary to meet the "closed" generator container requirement.

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Regulatory Analysis: "Closed" containers

The Indiana Department of Environmental Management (IDEM) has received numerous questions from hazardous waste generators about the regulatory interpretation of "closed" containers under the Resource Conservation and Recovery Act (RCRA) hazardous waste rules. These rules have been adopted by Indiana at 329 IAC 3.1. Numerous industries utilize containers of various sizes and configurations to manage hazardous waste. Following is an IDEM analysis of the hazardous waste rules pertaining to what is necessary to meet the "closed" generator container requirement.

The language at 40 CFR 262.34, (accumulation time for generators), specifies that generators may accumulate hazardous waste in containers provided the generator complies with Subpart I, Use

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and Management of Containers, of 40 CFR 265. The container management standards in turn require at 40 CFR 265.173(a) that: " A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste". The preamble which discusses the closed container rule states:

> " (The) purpose is...to minimize emissions of volatile wastes, to help protect ignitible or reactive wastes from sources of ignition or reaction, to help prevent spills, and to reduce the potential for mixing of incompatible wastes and direct contact of facility personnel with waste." And later, in the same paragraph: ".....keeping containers closed whenever possible is simply a matter of good operating practice".

As of December 6, 1996, generator containers are also subject to the provisions of Subpart CC, Organic Air Emission Standards for Tanks, Surface Impoundments and Containers. The Subpart CC rules apply to containers of hazardous waste that have average volatile organic concentrations greater than 500 ppmw (parts per million by weight) and a capacity greater than approximately 26 gallons. In general, a container with a capacity of between approximately 26 and 119 gallons must, at a minimum, be managed in a DOT approved container or equivalent container equipped with a tight-fitting cover with no visible gaps, spaces, holes or other openings. There are other significant control standards depending on waste type, container type and management activities (see 40 CFR 265 Subpart CC).

Whether a container is closed or not often depends on the type of waste and what type of management activities are occurring. For example, many facilities use large roll-off containers within a frame or dedicated area to manage wastewater treatment sludge. If the sludge does not contain volatiles, and if the container is protected from activities that may cause the contents to spill, mix, disperse (as from wind) or come in contact with personnel, the container may meet the intent of the rule and be considered closed. Similarly, a 55-gallon drum of blasting grit contaminated with non-volatile waste located in an isolated corner of a production area may simply be loosely covered with plywood and considered closed. If the same drum is being transported by forklift across a busy area, because of the possibility of spillage, it would <u>not</u> be considered closed unless the fitted top was locked in place. A hopper of grinding dust located in a small enclosure where it receives waste from a baghouse would similarly be considered closed as long as the waste was contained within the hopper. Containers accumulating liquids should, in general, always have tight-fitting lids and bungs. Conservation vents to equalize pressure within containers are acceptable. Funnels should be tight fitting and equipped with a lid. Satellite accumulation containers should also be protected from activities which may cause them to spill, mix, or come in contact with personnel. In general, IDEM recognizes that a traditional cover or lid is not always feasible under all circumstances, and situations will be evaluated on a case-by-case basis to determine if the <u>intent</u> of the closed requirement is being met. Good professional judgement must be relied on in many cases.

Treatment in Containers by Generators

IDEM acknowledges that generators may treat hazardous waste in less than 90 day tanks, containers, and container buildings provided the generator complies with subpart J for tanks, subpart I for containers, and subpart DD for containment buildings. (Large quantity generators which treat waste on-site must report this activity on their biennial report). The generator standards require that containers be closed during "storage" (i.e. accumulation). It is a practical reality that almost any type of treatment in containers requires a means to vent heat or pressure. It is IDEM's position that the closed container provision was intended to apply to containers in storage and/or being accumulated, and was not meant to strictly apply to treatment in containers. This position is supported in the November 25, 1996 preamble to the Subpart CC rules, where it states:

> "...Level 1 controls are allowed...(**except when the container remains uncovered for waste stabilization or certain other treatment processes**)." And later, "Level 3 controls are required **for containers... that must remain uncovered for waste stabilization processes**."(emphasis added)

While the Subpart CC rules specifically apply to certain VOC wastestreams being treated in open containers, most treatment will require allowances for temperature and pressure variations. However, IDEM also recognizes and advocates several other basic tenets of responsible hazardous waste management:

1. The transfer of contaminants from one media to another is inappropriate.
2. Evaporation of hazardous constituents is not appropriate treatment.
3. All Land Disposal Rules (LDR) apply to treatment of any hazardous waste stream. LDR rules (40 CFR 268) require that generators which treat waste to meet LDR standards must notify IDEM at least thirty days prior to commencement of treatment, certify the waste meets LDR standards, and develop and follow a waste analysis plan.
4. Facilities are subject to all applicable provisions of other environmental and workplace regulations.

Therefore, while the treatment of wastestreams not subject to Subpart CC standards is allowed in uncovered containers, IDEM intends for such treatment to comply with the overall intent of the hazardous waste rules. Containers may also be subject to Subpart AA and BB standards for equipment associated with treatment units (vents, pumps, pressure relief valves, etc). For example, soil contaminated with VOC's may be below Subpart CC standards, but if the soil is treated to strip VOC's (i.e. the treatment is specifically designed to transfer contaminants from one media to another), it is IDEM's position that controls must be used to minimize the volatile emissions, and the controls (i.e. process vents) may be subject to Subpart AA standards. If, however, volatile emissions are simply the result or by-product of other treatment, such as polymerization, controls are not necessary.

In summary, the RCRA program recognizes the following air emission control situations for generator containers:

1. Containers managing VO wastestreams where applicable CC rules apply: Treatment in containers is subject to Subpart CC standards. Containers must be kept closed, to minimize release of VO's, prior to and subsequent to treatment.
2. Containers managing VO wastestreams where Subpart CC does not apply: Containers must be kept closed, to minimize release of VO's, prior to and subsequent to treatment. Treatment may be conducted in open containers; however, intentional evaporation or transfer of contaminants without controls is not acceptable. Subpart AA and BB standards may apply to vents, pumps, pressure relief valves, and other devices used to control emissions during treatment.
3. Containers managing wastestreams without VO's: Containers must be closed (i.e. closed to help protect ignitible or reactive wastes from sources of ignition or reaction, to help prevent spills, and to reduce the potential for mixing of incompatible wastes and direct contact of facility personnel with waste). Waste may be treated in open containers, but must be closed prior to and subsequent to treatment.

If you need additional information, or have any questions or concerns, please contact staff of the Compliance Branch, Office of Land Quality, at 317-308-3103. The IDEM toll-free telephone number is 1-800-451-6027.